

**TOWN OF DEDHAM**  
COMMONWEALTH OF MASSACHUSETTS  
**ZONING BOARD OF APPEALS**

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Associate Members

Jared F. Nokes, J.D.

**DECISION**

<b>Applicant</b>	<b>Audy Auto Center</b>
<b>Property Address</b>	<b>229-235 Bridge Street, Dedham, MA</b>
<b>Property Owner/Address</b>	Audy Auto Center, LLC, 24 Ames Street, Dedham, MA
<b>Zoning District</b>	Local Business
<b>Map and Lot</b>	39/126 and 39/27
<b>Representative</b>	Peter A. Zahka II, Esq., 12 School Street, Dedham, MA Jack and Nicholas Audy, owners
<b>Legal Notice</b>	The Applicant seeks to be allowed a Special Permit to extend parking spaces ten (10) feet into the General Residence zoning district from the Local Business zoning district.
<b>Section of Zoning Bylaw</b>	<i>Town of Dedham Zoning Bylaw Sections 2.1.4.3, 3.3, 9.2, and 9.3</i>
<b>Date of Application</b>	April 20, 2018
<b>Date of Public Hearing</b>	May 16, 2018
<b>Date of Decision</b>	May 16, 2018
<b>Vote</b>	5-0, unanimously approved
<b>Voting Members</b>	James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, Jason L. Mammone, P.E.
<b>Date Filed With Town Clerk</b>	<b>May 23, 2018</b>

The Zoning Board of Appeals ("ZBA") of the Town of Dedham, Massachusetts held public hearings on May 16, 2018, in the Town Office Building, Bryant Street, Dedham, MA. Present were members of the ZBA, Chairman James F. McGrail, Esq., J. Gregory Jacobsen, Scott M. Steeves, E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®, and Jason L. Mammone,

P.E. The hearings were duly advertised for this meeting of the ZBA in accordance with the requirements of MGL Chapter 40A, Section 11.

At 7:05 p.m., the Chairman called for the hearing on the appeal of Audy Auto Center, LLC, (hereinafter referred to as the "Applicant") to be allowed a Special Permit to extend parking spaces ten (10) feet into the General Residence (GR) Zoning District from the Local Business (LB) Zoning District. The property is located at 229-235 Bridge Street and is in the Local Business (LB) and the General Residence (GR) Zoning Districts. *Town of Dedham Zoning By-Law Sections 2.1.4.3; 3.3; 9.2; 9.3.*

The Applicant was represented by Peter A. Zahka, II, Esq., 12 School Street, Dedham, MA. Also present on behalf of the Applicant were Jack Audy and Nicholas Audy. Attorney Zahka had previously submitted a certified plot plan and photographs of the Subject Property. The minutes from the hearing are the primary source of evidence and are incorporated herein by reference.

The Applicant is the owner of the property known and numbered as 229-235 Bridge Street, (hereinafter referred to as the "Subject Property") and shown on the Dedham Board of Assessors' Map 39, Lot 126 & 127. The Subject Property contains approximately 20,875 square feet of land and has over 130 feet of frontage on Bridge Street there is also frontage on Hillcrest Avenue and Kiely Road). The Subject Property is currently occupied by an automotive repair garage as well as a multi-family residential dwelling. According to the Zoning Map for the Town of Dedham, most of the Subject Property is in the LB Zoning District. However, a small portion at the rear of the Subject Property (along the Hillcrest Avenue side) is in the GR Zoning District.

Currently, seven (7) parking spaces serving the Subject Property encroach to various degrees into the GR Zoning District from the LB Zoning District. These spaces are depicted on the most recent parking/site plan approved by the Dedham Planning Board. The Applicant desires to straighten these spaces and to relocate the same so that they extend 10 feet into the GR Zoning District from the LB Zoning District. The Applicant will also be erecting a 6-foot-high vinyl fence along the rear property line in this area (which is shared with a residential abutter). The Applicant notes that two diseased trees in this area will be removed.

Section 2.1.4.3 of the Dedham Zoning By-Law provides that where a zoning district boundary divides a lot “the active uses, including . . . parking . . . , where permitted, may extend not more than 10 feet into the district in which such use is not permitted, provided that a special permit shall be required to extend such uses into any part of a lot located in a residence district . . .” Section 9.3.2 of the Dedham Zoning By-Law provides that when acting upon requests for special permits, the ZBA must determine that the “adverse effects of the proposed use will not outweigh its beneficial impacts” after consideration of the six (6) enumerated factors set forth in said Section.

The Applicant submits the criteria and requirements for issuance of the requested special permit have been satisfied. The existing parking spaces already encroaching into the GR Zoning District and the proposed change is relatively minor and virtually unnoticeable from off-site. The Applicant indicates that the proposed relocation of the parking spots will straighten the same and will allow for better circulation in the parking area and better access to the repair bays. The Applicant further notes that the proposed new fence will create an improved buffer to the abutting residential property.

No one appeared at the hearing in opposition to the application and requested relief.

On a motion by Scott M. Steeves, seconded by J. Gregory Jacobsen, the ZBA voted unanimously (5-0) to grant the requested Special Permit to extend parking spaces ten (10) feet into the General Residence (GR) Zoning District from the Local Business (LB) Zoning District. In granting said Special Permit, the ZBA finds that, after consideration of the criteria in Section 9.3.2 of the Dedham Zoning By-Law, the adverse effects of Applicant’s proposal will not outweigh its beneficial impacts on the Town and neighborhood.

The Applicant is advised that, in accordance with MGL Chapter 40A, Section 11, no special permit shall take effect until a copy of this decision bearing the certification of the Dedham Town Clerk that twenty days have elapsed after the decision has been filed with the Dedham Town Clerk and no appeal has been filed or that an appeal has been filed within such time shall be recorded in the Norfolk County Registry of Deeds or the Land Registration Office of Norfolk County.

Date: May 16, 2018

Attest by the Zoning Board of Appeals:

James F. McGrail, Esq.  
James F. McGrail, Esq., Chair

J. Gregory Jacobsen  
J. Gregory Jacobsen, Vice Chair

Scott M. Steeves  
Scott M. Steeves

E. Patrick Maguire  
E. Patrick Maguire, MLA, RLA, CLARB, LEED AP®

Jason L. Mammone  
Jason L. Mammone, P.E.

Attest by the Administrative Assistant:

Susan N. Webster  
Susan N. Webster